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The document is the report of the chancellor of the University of Mississippi about the university's role in the case of James Meredith. Presented is the history of the case from the university's viewpoint--Meredith's initial application for admission, the subsequent legal suit and appeals, the U.S. Supreme Court decision ordering his admission, various administration actions and the refusal to admit Meredith. Also described are the legal injunctions and contempt proceedings instituted by Meredith, his entry on the campus, the riot which ensued, and his eventual enrollment. The document contains material about the accreditation of the University of Mississippi, student discipline, a statement about the academic program, and the text of a speech by the chancellor. (NH)

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THE UNIVERSITY OF MISSISSIPPI

AND

THE MEREDITH CASE

University, Mississippi  
November 15, 1962

EQUAL EDUCATIONAL OPPORTUNITIES  
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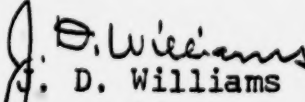
November 15, 1962

To the Reader:

For purposes of the record, I have directed the preparation of the following document, which I believe to be a fair and accurate record of the part played by the University of Mississippi in what has become known as the Meredith Case.

The intent of the present report is to put the successive events of the Meredith Case into proper perspective.

Our hope is that those who are sincerely interested in the welfare of the University of Mississippi, especially those other members of the academic community whose good opinion is of such vital significance to the future of the University, will study this document with thoughtful attention.

  
J. D. Williams  
Chancellor

Materials and Research Branch  
Equal Educational Opportunities Program  
Office of Education

# THE UNIVERSITY OF MISSISSIPPI

AND

## THE MEREDITH CASE

### PART I. THE HISTORY OF THE MEREDITH CASE

#### Preliminary

The purpose of this document is to set in a clear light the actions and the position of the University of Mississippi in the Meredith case by giving an orderly summary of the events pertaining to the admission to the University of James H. Meredith, the first Negro to be so enrolled upon open application. Insofar as it is possible, the account will consist of an objective recital of facts, and where some interpretation is necessary, it will be clearly recognizable as such. Limitations of space make inevitable some editorial selectivity, but no significant fact is knowingly omitted.

Sources of information will normally be made clear by context: the State Constitution, Minutes of Board of Trustees meetings, transcripts of court trials, letters from University files, etc. Where less obvious, or less reliable, sources are used, their nature will be indicated.

#### The University and the Board of Trustees

It is first necessary to explain the place of the University in the structure of higher education in Mississippi. By an amendment adopted in 1944, now incorporated as Article 8, Section 213A, of the Constitution of the State of Mississippi, all state-supported universities and senior colleges are under the management and control

of the Board of Trustees of State Institutions of Higher Learning. The Board consists of twelve regular members, each appointed to a twelve-year term by the Governor of the State with the advice and consent of the Senate, and one additional member appointed by the Governor to a four-year term and known as the Trustee for the LaBauve Fund, who votes only on matters concerning the University of Mississippi. Terms of office are staggered so that four expire each four years. Mississippi governors serve four-year terms of office and cannot succeed themselves. Hence no governor can appoint more than four board members, plus the LaBauve member, unless a member dies or resigns or unless a governor serves two terms within a twelve-year period.

By Constitutional provision, the power to operate the Institutions of Higher Learning lies wholly with the Board, which is specifically directed to administer the schools "to the greatest advantage of the people of the State..., uninfluenced by any political consideration." Legislative appropriations are made in a lump sum to the Board, which then has full control over their expenditure. The executive and legislative branches of the State government have no powers over the Institutions of Higher Learning save the retained right to consolidate or abolish them.

The Board appoints the heads of the various institutions and contracts with all employees. It sets policies and procedures for the various institutions or approves of policies and procedures set by them. Such administrative powers as are had by the institutions are delegated to them by the Board and may be resumed by the Board at its pleasure.

#### Meredith's Initial Application

By an undated letter received by the Registrar of the University of Mississippi on January 26, 1961, James Howard Meredith requested an application for admission to the University. On the same date a reply was mailed sending Meredith necessary forms and instructions for making application.

Under cover of a letter dated January 31, 1961, Meredith forwarded a formal application for admission, desiring to register on February 6, 1961, for the spring semester. He noted that he could not furnish required character recommendations from six University alumni as he was a Negro when all alumni were white; he furnished in lieu thereof character recommendations from Negro citizens of the State. Character recommendations from alumni are required by a resolution of the Board of Trustees dated November 18, 1954.

On February 4, 1961, the Registrar advised Meredith by telegram that it had been found necessary to discontinue all applications for

admission to spring semester registration received after the preceding January 25, and that he should not appear for registration. The same telegram was sent to thirteen other students who had applied after this cutoff date. The authority to set such a cutoff date was granted to heads of State institutions of higher learning by the Board of Trustees in a statement of admissions policy adopted August 15, 1950.

Meredith wrote subsequent letters to the Registrar concerning his application on February 20, February 23, March 18, and March 26, 1961. The letter of March 26 included letters from the same persons who had earlier furnished character recommendations, repeating these and this time adding the recommendation that the student be admitted to the University.

On April 12, 1961, Meredith wrote Dr. Arthur B. Lewis, Dean of the College of Liberal Arts, requesting that Dean Lewis review his case with the Registrar and advise him what admission requirements, if any, had not been met. On May 9, 1961, the Registrar wrote Meredith stating that his application had been received, noting that preliminary study indicated only 48 of 90 hours submitted for transfer could probably be accepted for credit, and asking whether under these conditions Meredith desired his application for admission to be treated as a pending application. The letter specified that the evaluation of credits did not constitute approval or disapproval of the application itself.

On May 15, 1961, Meredith replied that he wished his application to be treated as a pending application for the summer session beginning in June, 1961. On May 21 he wrote a letter requesting information whether the application had been approved.

In a letter dated May 25, 1961, the Registrar wrote Meredith stating that his application was denied. The grounds given were that the institution Meredith was attending (Jackson State College) was not a member of the Southern Association of Colleges and Secondary Schools and that University policy permitted transfer of credits only from member institutions of regional associations; that students may not be accepted from "institutions whose programs are not recognized"; and that the letters of recommendation submitted were not sufficient. The letter added that other deficiencies need not be mentioned and ended by stating that Meredith's application file was now closed.

#### Institution of Suit

On May 31, 1961, Meredith filed a complaint in the United States District Court for the Southern District of Mississippi, Justice S. C. Mize sitting, on behalf of himself and "all other

Negro students in the State of Mississippi who are similarly situated, "naming as defendants the Board of Trustees of the Institutions of Higher Learning and the Chancellor, the Dean of the College of Liberal Arts, and the Registrar of the University. The plaintiff's objective was to obtain a temporary restraining order, a preliminary and permanent injunction, enjoining the defendants or their agents from any action preventing Meredith and "others so situated" from attending the University of Mississippi and other State institutions of higher learning "under the same terms and conditions applicable to white students."

The case, begun May 31, 1961, was not concluded until February 5, 1962. The transcript fills approximately 1,350 pages. Stripped to its barest essentials, the legal action at District Court level was as follows.

The request for a temporary restraining order was denied by Justice Mize. The case for a preliminary injunction was decided in favor of the defendants on December 14, 1961. The decision was upheld on January 12, 1962, by the U. S. Fifth Circuit Court of Appeals, which suggested that the District Court proceed promptly with a full trial of the case on its merits.

In this trial, the essential contention of the plaintiff was that he had been denied admission to the University because of his race and color, contrary to the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States. The defendants' position was that Meredith had been denied admission because he lacked the required letters of recommendation, because of University policy regarding transfer students from colleges not belonging to regional associations, because of policy regarding transfer of credits from such colleges, and because evidence including Meredith's service record and a charge of illegal voter registration indicated that he was a bad character risk and a potential troublemaker on the campus.

#### Decision of the District Court

Justice Mize, upon reviewing the evidence, ruled that Meredith had not proven he was denied admission to the University because of his race, and on February 5, 1962, an order was issued dismissing the complaint.

On the same date the case was appealed to the Fifth Circuit Court of Appeals, and a motion was filed for a preliminary injunction which would require Meredith's admission to the University pending appeal. The motion for the preliminary injunction was denied, and the Circuit Court proceeded to make a full review of the case.

### Reversal by Circuit Court

A three-judge Circuit Court panel consisting of Justice John Minor Wisdom and Justice John R. Brown, circuit judges, and Justice Dozier DeVane, district judge, reviewed the case and on June 25, 1962, in a two-to-one decision found that Meredith in fact had been denied admission to the University because he was a Negro, thus reversing the judgment of the District Court. The Circuit Court then directed, by successive mandates issued July 17, July 27, and August 4, 1962, that the District Court issue the injunction originally requested by Meredith. (Justice DeVane, in his dissent, concurred generally with the majority decision save on one point concerning whether Meredith, if admitted to the University, would be a troublemaker. Justice DeVane held that the District Judge was justified in denying relief on this ground.)

### Action of U. S. Supreme Court

Issuance of the injunction directed by the Fifth Circuit Court was delayed by four successive stays issued by Justice Ben F. Cameron, also of the Fifth Circuit Court, pending action by the U. S. Supreme Court on a petition for writ of certiorari by the defendants in the original case. Attorneys for Meredith pressed for immediate action on this matter, and on September 10, 1962, Justice Hugo Black, acting for the Supreme Court, vacated these stays and issued an injunction against any interference with the enforcement of the judgment and mandate of the Fifth Circuit Court of Appeals.

To conclude this aspect of the matter, it may be noted that Justice Black stated in his decision that he had submitted the matter to other members of the Supreme Court, which was not then in session, and that each justice agreed with his decision. Subsequently, on October 1, 1962, the Supreme Court formally refused to review the June 25 decision of the Fifth Circuit Court of Appeals which had directed issuance of the injunction originally requested by Meredith. Such action terminated this aspect of the case, as no further appeal was possible.

### Issuance of Injunction

Complying with the mandates of the Fifth Circuit Court and of Mr. Justice Black, Justice Mize on September 13, 1962, issued a sweeping injunction directed to the defendants in the case--members of the Board of Trustees and the Chancellor, Dean of the College of

liberal Arts, and the Registrar of the University--and "their servants, agents, employees, successors and assigns, and all persons acting in concert with them, as well as any and all persons having knowledge of this decree."

Such parties were enjoined against refusing to admit Meredith to the University on the basis of his application already filed upon the same terms and conditions as applicable to white students, against interfering in any way with his right to continued attendance at the University, and against discriminating against him in any way whatsoever because of his race.

#### Early Actions of the Board of Trustees

Taking cognizance of the suit filed by James Meredith in the U. S. District Court and the outcome of that suit, the Board of Trustees of State Institutions of Higher Learning on February 10, 1962, reviewed the entire Meredith case. By unanimous vote the Board approved the actions of Registrar Robert B. Ellis in denying Meredith's application, stating such action "to be in full accord with the rules and regulations of this Board and the University of Mississippi." The Board further stated that Chancellor J. D. Williams and Registrar Robert B. Ellis "are hereby ordered and directed not to admit said Meredith." It should be noted that this action was taken prior to the Fifth Circuit Court's reversal of Justice Mize's ruling against Meredith's admission to the University.

On September 4, 1962, the Board reviewed subsequent legal actions in the case, which at this stage included the Circuit Court's reversal of Mize but did not include Justice Black's mandate that the injunction actually be issued. At this meeting the Board determined, under the authority given it by the State Constitution, to withdraw from every official of the University of Mississippi "all prerogatives, powers, duties, responsibilities and authority in anywise connected with or relating to action on the application of James Howard Meredith to the University of Mississippi for admission to said institution. . . ." These powers were "expressly reserved exclusively unto this Board. . . until definitive action on said application and/or admission is taken by this said Board of Trustees."

#### The Doctrine of "Interposition"

On the night of September 13, 1962, the Honorable Ross Barnett, Governor of Mississippi, in a state-wide television address read a proclamation stating (1) that pursuant to the Tenth Amendment to the Constitution of the United States, the powers not specifically

delegated to the Federal Government are reserved to the several states, (2) that the operation of the public schools was one of the powers not so delegated, (3) that the operation of such schools was vested in the duly elected and appointed officials of the State, and (4) that all such officials were directed to uphold laws enacted by the Legislature of the State of Mississippi "and to interpose the State Sovereignty and themselves between the people of the State and any body-politic seeking to usurp such power."

#### Chancellor Porter's Injunction

On the same date, September 13, Justice Mize had issued the Federal court injunction described earlier. On September 19, Chancellor L. B. Porter, of the Chancery Court of the Second District of Jones County, Mississippi, issued an injunction prohibiting University officials, members of the Board of Trustees, and various Federal officials from taking any action to admit Meredith to the University.

#### The Events of September 20, 1962

September 20, 1962, was the date for registration of new students at the University and was also the regular meeting date for the Board of Trustees. The action taken by the Board on this date requires for its understanding some additional knowledge of prior events.

During the original injunction hearing before the District Court, Meredith had been charged with violating a State law by giving false information in registering to vote in Hinds County, Mississippi. On June 6, 1962, he was arrested on this charge and later released on bond. On June 12 the Fifth Circuit Court of Appeals enjoined the State against carrying out any criminal proceedings against Meredith, holding such action would interfere with the court's decision on the appeal. (This decision, as noted, came on June 25, after which date it would appear that the basis of the June 12 injunction no longer existed.)

On September 19, Jess Brown, attorney for Meredith, was notified that the latter would be tried on the false registration charge the following day in the Court of Homer Edgeworth, Justice of the Peace, Fifth District, Hinds County, Mississippi. On the morning of September 20, Meredith, who did not appear in this court, was found guilty, fined \$100 and costs, and sentenced to one year in the Hinds County Jail.

By the same morning the State Legislature had enacted, and the Governor had signed, Senate Bill No. 1501, prohibiting any person convicted of a criminal offense and not pardoned, or having a criminal charge of moral turpitude pending against him in any court of the State of Mississippi or any Federal court, from enrolling in any State institution of higher learning. The bill further provided that anyone knowingly enrolling a person so disqualified, or aiding or abetting such an enrollment, would be guilty of a misdemeanor and subject to a fine not exceeding \$300, or imprisonment for one year in the county jail, or both. A copy of this legislation and a copy of the court judgment against Meredith, plus a copy of Chancellor Porter's injunction, were read to members of the Board at their morning session on September 20. Previously the Board had notified Meredith to appear at the Board office in Jackson at 3 p.m. on this date for registration or other disposition of his application; but during the noon recess the Board was advised that Meredith would appear at the University for registration and that Governor Barnett was leaving Jackson for Oxford.

When the Board reconvened at 2 p.m., this was its position: Exercising its constitutional right, it had withdrawn from University officials to itself authority to act with regard to Meredith's application. It lay under a Federal injunction to admit Meredith to the University and a State injunction to deny such admission. To refuse admission would risk such penalty as might be imposed for contempt of Federal Court. To grant admission would be to break a State law and be made subject to fine and imprisonment. The executive head of the State--the State by whose Constitution the Board existed--had issued a proclamation stating that in the area of conflict the State had jurisdiction. In this dilemma the Board, again under its Constitutional authority, determined to appoint the executive head of the State to act for it.

Accordingly, on the afternoon of September 20, 1962, the Board voted to "invest Honorable Ross R. Barnett, the Governor of the State of Mississippi, with the full power, authority, right and discretion of this Board to act upon all matters pertaining to or concerned with the registration or non-registration, admission or non-admission, and/or attendance or non-attendance of James H. Meredith at the University of Mississippi."

#### Rejection of Meredith

Later on the afternoon of September 20 Meredith arrived on the campus of the University accompanied by Federal Marshals and was directed to a room in the Continuation Center Building. There Governor Barnett, who had at this time both the special authority invested in him by the Board of Trustees and the powers, including the police power, invested in the office of Governor, rejected Meredith's application for admission to the University. After this rejection, Meredith left the campus and the city of Oxford.

### Further Circuit Court Injunction

At some time on September 20 a panel of the Fifth Circuit Court of Appeals meeting in New Orleans took cognizance of the events in Mississippi earlier in the day. An injunction was issued restraining the enforcement of the Mississippi Legislature's Senate Bill 1501 described previously, restraining the arrest of Meredith on his conviction on the false registration charge, and restraining the arrest of "any other person, including federal officials, for the purpose of interfering with the enrollment of James Meredith to the University of Mississippi."

The same injunction restrained compliance with or enforcement of the State injunction issued on September 19 by Chancellor Porter directing members of the Board of Trustees and University officials to deny Meredith's admission to the University. University officials received notice of the Circuit Court's restraining injunction after Meredith had left Oxford.

### Contempt Proceedings in Federal District Court

Still later on September 20 Chancellor Williams and the Dean of the College of Liberal Arts and the Registrar of the University were ordered to appear before Judge Mize of the Federal District Court at 1:30 p.m. the following afternoon to show cause why they should not be held in civil contempt for having "failed and refused to register and admit" Meredith to the University.

At this September 21 hearing, in Meridian, Mississippi, the University officials contended they had not denied Meredith's application, had not themselves been tendered such an application, and indeed had no power to act upon the application in question. At the conclusion of the hearing, Justice Mize cleared the three officials of all contempt charges.

### Contempt Proceedings in Fifth Circuit Court

On the next day, September 22, 1962, the same three University officials and all members of the Board of Trustees were summoned to appear before the full membership of the Fifth Circuit Court of Appeals on September 24 at New Orleans, Louisiana, to show cause why they should not be cited for contempt of that court for the failure to admit Meredith to the University. At the September 24 hearing, eight of the nine Circuit Court justices were on the bench, Judge Ben Cameron being absent.

This court hearing, together with its immediate consequences, closes out another phase of this account. First, from the testimony heard and from reports of subsequent action, the court ruled that the officials of the University "have not been and are not guilty of civil contempt of this court."

Second, before the termination of the hearing, the members of the Board of Trustees announced that they were willing "to fully perform all things ordered and directed by former orders of this Court" and "requested the Court to inform them of the things to be done and the action to be performed in compliance with the orders of the Court."

Upon the Board's subsequent compliance with instructions given, the Circuit Court justices ordered "that the Court does not enter a judgment of civil contempt insofar as the President or any of the members of the Board of Trustees of Higher Learning are concerned and does vacate and dismiss the citation for civil contempt as to the President and each of the members of the Board."

#### Acts to Comply with Circuit Court Orders

In carrying out the directions of the Court, the various respondents performed the following actions:

(1) The Registrar of the University was available at the offices of the Board of Trustees at Jackson, Mississippi, on the afternoon of September 25 to enroll Meredith in the University should he present himself to him for registration.

(2) The Board of Trustees, meeting on September 25, rescinded its action of September 4, 1962, which withdrew from University officials the authority to act on Meredith's application to enroll.

(3) The Board similarly rescinded its action of September 20, 1962, appointing Governor Barnett to act as its agent in all matters pertaining to the registration of Meredith.

(4) The Board instructed Chancellor Williams and all other officials of the University to admit Meredith to the University on the same basis as other transfer students.

(5) The Board instructed Chancellor Williams to prepare and to distribute without delay to all employees of the University copies of the injunction issued on September 13 by Justice Mize which had directed the admission of Meredith to the University. This action was carried out both on the Oxford campus and the campus of the University Medical Center at Jackson as rapidly as copies of the injunction could be printed and distributed.

The Circuit Court's order dismissing contempt charges terminated legal action in the Meredith case to which the University of Mississippi was a party, save for the continuing authority of Judge Mize's injunction.

Actions of State Officials, September 25-30

The events of the next few days in the Meredith case involve the University only indirectly. The new flurry of Federal and State injunctions and orders aside, the essential facts are these. The Board of Trustees and the Registrar of the University were present at the Board offices in Jackson on the afternoon of September 25 to register Meredith as ordered. When Meredith and Department of Justice officials appeared, they were denied entrance by various State officers directed by Governor Barnett. According to newspaper accounts, the Governor stated that he was interposing the sovereignty of the State and also acting under his police powers as chief executive of the State to prevent violence.

On September 26, Department of Justice officials and Federal marshals attempted to bring Meredith to the University for registration. They were prevented from entering the campus by a force of State officers directed by Lieutenant-Governor Paul Johnson, acting for the Governor, again citing the police powers of the State.

On September 28, according to newspaper accounts, a strengthened party of Federal marshals sought to bring Meredith to the campus but turned back some miles away on hearing that the campus was guarded by a large force of Mississippi highway patrolmen, county sheriffs, deputies, and plain-clothes men.

Meredith's Entry on the Campus

At this point this account enters an area in which many facts are in dispute; conflicting statements have been made by State and Federal officials, and investigations by several official agencies have been and are being made, the findings of which have not been published at this writing. In consequence, only a brief outline will be given of certain facts which seem beyond question.

In a move unanticipated by University officials and of which they were notified less than one hour in advance, on Sunday afternoon, September 30, several hundred Federal marshals landed at the Oxford airport. They were admitted to the campus without opposition by State highway patrolmen guarding the gates and proceeded to occupy the Lyceum Building, the seat of University administration. Somewhat later, Meredith was brought with a guard of marshals to the campus and lodged in Baxter Hall, a men's dormitory. From this moment until some later time, which it would be difficult to pinpoint, the campus was under the effective control of Department of Justice officials acting under orders from Washington and of the U. S. Army.

The Riot

As darkness drew on, spectators on the scene began a demonstration against the marshals surrounding the Lyceum which developed into mob

violence. Accounts of the riot are too well known to require detailed repetition here and, it may be added, too varied for a succinct recital.

Initially, law enforcement officers on the campus included the marshals, under the direction of Department of Justice officials, and a large number of Mississippi State Highway Patrol members. In recent days, however, the Mississippi National Guard had been federalized, and units of the U. S. Armed Forces had been assembled at Memphis, Tennessee, and other points no great distance from Oxford.

On the date of the riot, September 30, the President of the United States had issued Proclamation No. 3497, stating that "the Governor of the State of Mississippi and certain law enforcement officers and other officials of that state, and other persons. . . have been and are willfully opposing and obstructing the enforcement of orders" of Federal courts, and commanding all such persons to "cease and desist therefrom." Later on the same date he had issued Executive order No. 11053 stating that commands in the Proclamation had not been obeyed and directing the Secretary of Defense to take all appropriate steps to enforce the orders of the Federal courts concerned and "to remove all obstructions of Justice in the State of Mississippi."

When it became apparent that the force of marshals was inadequate to contain the mob, units of the U. S. Armed Forces began to move toward the campus. In the early hours of October 1, they arrived in sufficient numbers to clear the campus of rioters. Persons in the mob taken into physical arrest by marshals and soldiers were held in the Lyceum Building, which continued to serve as a "command post." Shortly after daylight on October 1, rioters driven from the campus began fresh disorders in the adjacent city of Oxford. Troop units, at the request of Mayor Richard W. Elliott, quelled these disorders and brought further prisoners to the Lyceum Building. By noon, military units were firmly in control of both the campus and the city.

The rioting left two dead, a French newspaperman and the resident of a small town near Oxford; between 150 and 200 persons injured, more than half of them either marshals or members of the first unit of the National Guard to reach the campus; and extensive property damage, part of this accounted for by automobiles which were burned by the rioters.

It is impossible to assay the composition of a mob operating in darkness or to determine which of those physically present were actually taking part in the violence. (Approximately 4,000 students plus a large part of the faculty and staff are housed on the campus where the riot occurred.) Besides University students, students from thirteen other universities and colleges have been identified as having been in the crowd. Also present were many "outsiders" from Mississippi and adjacent states, a number of them armed, who had been attracted by the national publicity given the Meredith incident.

Some evidence, though neither precise nor conclusive, of the part played by University students in the riot is given by these figures: Of approximately 160 members of the mob taken into physical custody, 25 were students in the University. Of these, Department of Justice officials recommended that University authorities take disciplinary

action against only eight and finally dropped charges against all but three. As an interesting corollary, as many or more students from neighboring schools were also taken into custody. So far as is known, no action has been recommended or taken against these, either by the Department of Justice or college authorities. (A supplement to this report, dealing with student discipline, gives added information concerning the rioting.)

#### Registration of Meredith

Early on the morning of October 1, at a time and under circumstances set by Department of Justice officials, Registrar Robert Ellis registered Meredith as a junior student in the College of Liberal Arts. Other University officials were not present, while newsmen and photographers were there contrary to the expressed wishes of the University Administration.

Meredith registered for courses in English, mathematics, political science, history, and Spanish (later changed to French). He attended his first scheduled class on Monday, October 1, and has attended all classes since save those from which he has chosen to absent himself. He lives in a men's residence hall, eats at the University cafeteria, patronizes the Grill in the Student Union Building, and has attended at least one University concert. He is regularly accompanied by one or more Federal marshals, and military police guard his dormitory and keep up a limited military patrol on the campus.

While there has been student and other opposition to Meredith's presence on the campus (this to be dealt with in the supplement mentioned), the University Administration and the faculty have to the best of their ability carried out the injunction of the U. S. District Court: to admit Meredith to the University and to permit his continued attendance without discriminating against him in any way whatsoever because of his race.

## PART II: THE ACCREDITATION OF THE UNIVERSITY

The significance of accreditation to a modern American university has been aptly put in a statement by Dr. W. Alton Bryant, Vice-Chancellor of the University of Mississippi:

Accreditation is the stamp of approval given a college or university which meets standards essential to sound teaching and learning. Accreditation is to the institution what licensure is to the physician, membership in the bar to the lawyer, certification to the teacher, and quality control to the manufacturer. University graduates who hold degrees from accredited institutions are to the society which they serve what certified seeds are to the farmer. Only the accredited institution can grant its students degrees which are legal tender anywhere in the academic, professional, and business world.

The University of Mississippi is a charter member of the Southern Association of Colleges and Schools, which is its regional accrediting institution. Accrediting agencies for a university's individual schools and curricula frequently follow the lead of the regional accrediting agency, if indeed they do not make approval of the regional agency a prerequisite to their own accreditation.

Political interference with the operation of a college or university is grounds for disaccreditation by the Southern Association. The Association has consequently taken a deep interest in the Meredith case. In late September it sent a representative, Mr. Gordon Sweet, to the University and to Jackson, Mississippi, for a first-hand evaluation of the situation.

On September 28, President Henry King Stanford of the Southern Association sent a telegram in which the Executive Council of the Commission on Colleges warned the Board of Trustees and Presidents of all member institutions in Mississippi that all State institutions of higher learning of the State of Mississippi would be recommended for removal from the list of member schools at the next meeting of the Commission, unless assurances were given that unwarranted procedures and political interferences of the State of Mississippi had been discontinued and that such procedures would not again be followed at the University of Mississippi or employed in the other institutions.

It will be noted that this telegram was sent three days after the Board had rescinded its action naming Governor Barnett its agent, had restored to the University its authority to handle Meredith's application, and had directed the University officials to comply with Judge Mize's injunction to the letter. On October 2, Dr. E. R. Jobe, executive secretary of the Board of Trustees, acknowledged this telegram in a letter which read in part,

I am happy to advise that at this time all of the powers and authority of the Board of Trustees and of the administrative officials of the University of Mississippi are being exercised according to the statutes and constitution of the State of Mississippi and in accordance with the standards of the Southern Association of Colleges and Secondary Schools.

I trust that at the proper time we can supply you and the Council with such information as would be required for the protection of the accreditation of the University of Mississippi and the other institutions of higher learning.

This letter was acknowledged by President Stanford on October 8, 1962. Subsequently, at a regular meeting on October 18, 1962, the Board of Trustees adopted unanimously the following statement:

The purpose of this statement is to provide certain assurances requested by the Executive Council of the Commission on Colleges of the Southern Association of Colleges and Schools in its telegram of September 28, 1962.

Prior to the receipt of the Executive Council's telegram, the Board of Trustees had already rescinded its actions complained of in the above mentioned telegram. Since receipt of the Executive Council's telegram, the Board of Trustees has not taken any action that would in any way compromise the integrity of the University of Mississippi or the other institutions under the Board's control. The Board of Trustees assures the Executive Council in the strongest possible terms that it will observe the constitution and standards of the Southern Association of Colleges and Schools and will continue to be assiduous in its efforts to secure the integrity of the institutions under its control, to safeguard their ability to achieve their purposes without political interference, and to preserve and advance their standing in the educational world.

On October 25, 1962, Governor Ross Barnett sent the following letter to President Stanford:

Dear President Stanford:

This is to advise the Executive Council of the Commission on Colleges of the Southern Association of Colleges and Schools that all statutory and constitutional authority for operating the

state institutions of higher learning in Mississippi is in the hands of the duly appointed members of the Board of Trustees of State Institutions of Higher Learning. It is not my wish or purpose to accept or assume any of these prerogatives.

I trust that this assurance will safeguard the accreditation by your Association of these splendid institutions which have served with distinction not only the State of Mississippi but the southern region and parts of the nation as well.

Very truly yours,

s/Ross R. Barnett

t/Ross R. Barnett  
Governor

In his telegram of September 28 President Stanford, speaking for the Executive Council of the Southern Association, stated in part,

We do, however, believe that the Board and the Governor have been in error in the steps taken in this situation. In fact, we find the actions of the Board in surrendering its authority and of the Governor in preventing the Administration from following the directives of the Board in violation of the Constitution and standards of the Southern Association of Colleges and Schools.

We must inform you, therefore, that we shall expect correction of these unwarranted procedures governing the state institutions of higher learning in Mississippi, and assurance from the Board and the Governor that such unwarranted procedures will not be continued at the University of Mississippi or employed at any of the other institutions.

The annual meeting of the Commission on Colleges and the College Delegate Assembly is scheduled for Dallas, Texas, November 26-29. Unless such assurances have been received prior to the annual meetings, the Council will regretfully recommend that the state institutions of higher learning in Mississippi be removed from the list of accredited colleges and universities of the Southern Association of Colleges and Schools at its next printing in the spring of 1963.

It would appear that the necessary assurances have been given, both by the Board of Trustees and by Governor Ross Barnett.

### PART III: RECAPITULATION AND COMMENTARY

In the preceding pages of this report the intent has been to give in chronological sequence an objective account of all the significant events in the Meredith case, from Meredith's initial application to enter the University of Mississippi until he had enrolled and was attending regular classes. Material supplementary to this report will deal with student discipline and with other matters of academic concern.

This final section aims at recapitulating certain of this material as viewed by the University Administration. The following pages should be read in that light.

#### Actions by the University

To the best of its knowledge, the University Administration throughout the Meredith case has at no time acted contrary to its own openly stated policies, to State or Federal law, or to principles laid down by responsible accrediting agencies. Its original rejection of Meredith's application to enter the University was in accordance with regulations which had been in effect, unchallenged, for more than six years. Prior to the issuance of the Federal injunction directing the admission of Meredith, the University's power to admit or deny him had been withdrawn by an authority competent to make such a withdrawal. From the moment this power was returned to the University, its officials stood ready to register him at any time he should present himself for that purpose. University personnel had no part whatsoever in barring Meredith from their presence, and when he did appear for admission, he was promptly registered.

The fact may be cited that University officials were completely cleared of contempt charges in two Federal courts, the finding being that they "have not been and are not guilty" of contempt in any of their actions.

#### Actions by the Board of Trustees

Actions by the Board of Trustees of State Institutions of Higher Learning were at no time contrary to Mississippi law. Under provisions of the Constitution of the State of Mississippi, the Board had a legal right to set admission requirements for the University, to withdraw the University's jurisdiction with regard to the admission of Meredith, and to appoint Governor Barnett its agent in dealing with Meredith's application.

When informed by competent authority that its actions, though legal under the State Constitution, made it liable to a contempt citation in Federal court, members of the Board promptly took such action as led the court to "vacate and dismiss the citation" of contempt.

The Executive Council of the Commission on Colleges of the Southern Association of Colleges and Schools has found the actions of the Board "in violation of the constitution and standards of the Southern Association." The Council is, of course, the proper body to make such a finding and to report it to the Commission. At the same time, in fairness to the Board, its actions should be viewed in the context of its particular responsibilities and of its position at the time concerned.

The Board's assumption of authority to act itself upon Meredith's application to enroll in the University was in keeping with the Board members' responsibility under the State Constitution. Policy decisions of such major consequence are within the province of a board intrusted with the general conduct of all the State's institutions of higher education. Where final authority lies, there also should lie final responsibility. The effect of the Board's action was to protect the University, which was caught in the middle of a conflict between the Federal courts and State authorities.

When, on September 20, 1962, the Board empowered Governor Barnett to act for it on Meredith's application, matters had moved far beyond the operation of an educational institution. Following the Governor's proclamation and the action of the State Legislature, there was an open confrontation of authority between the State and Federal governments. Board members were forbidden by a State law carrying heavy penalties to comply with an injunction of a Federal court. Making the Governor their agent was not intervention in the University's operation, but rather an attempt to extricate the University from an impossible position between the State and the Federal governments. Events over which the University had no control had propelled the State of Mississippi toward an inevitable conflict with the Federal Government in an area in which each claimed sovereignty under the U. S. Constitution. The Board's decision left the responsibility for the State's action in this conflict in the hands of the State's chief executive.

#### The Governor's Actions

A distinction, perhaps academic, may be made between Governor Barnett's rejection on September 20 of Meredith's application to enroll in the University and the actions he took later, either personally or through other State officials, to bar Meredith physically from presenting himself for registration. In the first instance, the Governor was at least possessed of authority delegated him by the Board. This power

was withdrawn on September 25. Thereafter the Governor unquestionably acted in his own person as executive head of the State, under his authority to maintain the peace.

To utilize the concept of "interposition," the Governor was not interposing himself between the Board and the Chancellor of the University, or between the Chancellor and his faculty and staff, for the purpose of coercing the University into a particular line of action. Rather he was interposing himself between the State's institutions of higher education and the Federal government to prevent the racial integration of any part of the public school system of the State of Mississippi.

#### The Question of Political Interference

There can be no question but that the integrity of an educational institution is put in question when there is interference with its normal operations by political forces outside the academic community. Disinterested parties must judge whether there has been such interference with the operation of the University of Mississippi in the Meredith case.

As commonly understood, political interference consists of such acts as making patronage appointments to a school's faculty or staff, using the appropriation power with punitive effect, influencing promotions and salaries, dismissing employees for political reasons, forcing curriculum changes, requiring or preventing the dismissal of students contrary to school policy, or by coercive measures limiting the freedom of teaching and research. It was to prevent such political interference that the Constitution of the State of Mississippi was amended in 1944 to set up the Board of Trustees and to give the Board full and final authority over the operation of the institutions of higher learning.

In the Meredith case there have inevitably been what may be called political pressures, and these have been strong. The majority of the voters in Mississippi, and her political leaders almost to a man, are bitterly opposed to racial integration of the State's schools. Regardless of one's sympathies he is here faced, not with a value judgment, but a fact. Yet in the Meredith case there has been no instance of the kinds of political interference detailed in the preceding paragraph. There was no such interference prior to the admission of Meredith, and as of this writing there has been none since.

Whether the extraordinary efforts made by the judicial, legislative, and executive divisions of the government of the State of Mississippi to prevent James H. Meredith from ever enrolling in the University constitute a special kind of "political interference" is a complex question.

Certainly, these actions were never intended to interfere with the internal operation of the University. They were intended to preserve the de facto segregation which had in the past obtained in the school system of Mississippi since the era of Reconstruction.

In this conflict between the political powers of the State of Mississippi and the political powers of the Federal government, the University of Mississippi has suffered; but in the opinion of its Administration, it has maintained its academic integrity.

## SUPPLEMENTARY REPORT ON DISCIPLINE

L. L. Love, Dean

Division of Student Personnel

This report summarizes what the University Administration, the University students, and the University faculty and staff have done to this point to control conditions which have arisen in connection with the admission of James H. Meredith to the University of Mississippi. Particular attention will be given to student discipline. For the most part, the report will be factual, though an occasional opinion, clearly labeled as such, will be expressed. The report will close with a personal evaluation of conditions as they presently exist, some six weeks after Meredith's enrollment.

### Steps Taken Prior to Meredith's Arrival

On September 5-6, about 25 student leaders held a two-day off-campus workshop to plan their work for the year. Included were the Associated Student Body officers, members of the Student Judicial Council, editors of the campus publications, officers of the Associated Women Students, and members of the Associated Student Body President's Cabinet.

At the invitation of the group, Dr. J. D. Williams, Chancellor, and Dr. Charles F. Haywood, Provost, met with them part of the first day. The discussion centered around how to keep the University open and how to avoid violence. Again by invitation, Mr. Tom S. Hines, Director of Student Activities, and I met with the group the second day. A similar discussion took place. The probability of outside interference was recognized at that time as a major problem. A major decision was to conduct an educational campaign, principally through the columns of The Mississippian, the campus daily newspaper. Each person present committed himself to do everything possible to maintain law and order should Mr. Justice Black order the admission of Meredith for the fall semester. These and other students did yeoman service, as will be evident later in this report.

When Justice Black issued his opinion ordering the admission of Meredith for the fall semester, the campus began to seethe with excitement--but there was no disorder whatever. At about 1:30 a.m. that night I received a call from the campus police reporting that a large cross had been set up opposite Fraternity Row by a mixture of some fifteen students and outsiders. One of the police persuaded the students (the outsiders left before the officers approached) not to light the cross until he could make some telephone calls. I went to the scene immediately. In the discussion which followed the students said that they did not want to hurt the University but that they merely wanted to protest the admission of Meredith. After a few minutes they took down the cross and they

loaded it on a truck for disposal.

Consider the situation. Students had been on the campus for two weeks with considerable free time. They had completed pre-school rush, orientation, and were ready to register. They were restless and excited. If the cross had been lit, there would have been a demonstration of large proportions. But nothing happened.

About 50 percent of the male students are affiliated with fraternities. The following afternoon Chancellor Williams and I met with the fraternity presidents. Chancellor Williams discussed with them the imminent problems facing the University and asked their cooperation. The presidents did an unbelievably fine job in discouraging unacceptable behavior which might otherwise have occurred among fraternity members.

That night I met with the Director of Men's Housing and the 50 dormitory managers. (These are mature students employed to handle dormitory sections under University supervision.) The problems of keeping the University open and avoiding violence were emphasized. The managers faced more difficult problems than did the fraternity presidents because of the lack of cohesiveness in their groups. They, too, accepted their responsibilities and worked hard to meet them.

About midnight that same night a cross was lit in a vacant area in the rear of Fraternity Row. Fraternity men rushed out to extinguish it and fraternity men called the campus police. As the fraternity men ran to the cross, they saw four or five men running away and saw a flash, which indicated that a picture had been taken. It had been. It appeared in a Jackson paper the following day with a completely erroneous story of how the campus police had dispersed a large group. No one except the men who had put out the fire was present when the police arrived. Every effort has been made to discover who was responsible, but with no success. It should be mentioned that three or four other small crosses were lit in various places in the following day or two, but not a soul was in sight when the police arrived.

Through all of the period up to September 30 administrative officials and others were using every opportunity to discuss with students the problems of keeping the University open, avoiding violence, the meaning of the injunction issued by the District Court and the like. All of this was done in the setting of an intensely inflammatory Mississippi press and the defiant statements of persons in high places. But the efforts were extraordinarily successful. Without equivocation, I say that the conduct of students until 4 p.m. September 30 was all that anyone could possibly have asked of them under such circumstances.

Prior to September 30, the University had employed extra police from neighboring cities as a precautionary measure. All of them had gone home for the week end--another indication of the total surprise to the University of Meredith's arrival on September 30.

Hundreds of representatives of the various news media thronged the campus prior to September 30. The University employed extra photographers

to watch these men and to take pictures of them if they tried to stage demonstrations for the sake of stories. As expected, some of them did make efforts in these directions, even though they knew they were being watched. The University has photographic proof of this point.

Sunday, September 30, Prior to 4:00 p.m.

As previously mentioned, the conduct of students had been superb. The Administration had every reason to believe that Meredith would arrive, accompanied by a large contingent of U. S. marshals, on October 1 or 2. The Administration planned to continue at an intensified pace the efforts, which had been so successful, to effect the orderly admission of Meredith.

At 3 p.m. Mr. Hugh H. Clegg, Director of Development, and I met with Chancellor Williams at his home. The immediate purpose of the meeting was to plan a special issue of The Mississippian which was to be placed in every room on the campus early the next morning. In it were to be statements from the Chancellor and a number of other prominent and influential persons intended to give a sense of direction to students and to instruct them in the conduct that was expected of them when Meredith arrived. Also planned were tape recordings by the Chancellor and me, which would be broadcast frequently over Campus Radio Station WCBH during the night.

Shortly before 4 p.m. University officials were informed that the marshals and Meredith were coming that afternoon. This upset completely the timing of the Administration in its plans to control student behavior. I shall always believe that had University officials been consulted and had they been informed of the time of arrival 24 hours before it was to occur, the difficulties would have been minimal. Outsiders are another matter and they will be discussed later.

At 4 p.m. truckloads of marshals drove past the Chancellor's home.

The September 30 - October 1 Riot

In this section I shall confine myself as closely as possible to events related to student conduct. Most of what I shall report I experienced or witnessed myself. If anyone thinks I condone or excuse misconduct, he is badly mistaken; later sections of this report should make that clear.

I reached the Lyceum within five minutes after the marshals arrived to find them surrounding the building, shoulder-to-shoulder, armed. Mr. Clegg arrived at about the same time. (Perhaps here is the place to say that the Lyceum is the symbol of Ole Miss. Even after it became known that Meredith was in a dormitory, there was little demonstration there; the anger was directed at the marshals who surrounded the "symbol.")

Mr. Clegg and I met and talked with the half-dozen officials of the Department of Justice who were present. Our Chief of Police and the Director of the State Highway patrol were present. The officials were supplied with everything for which they asked. They had no idea how to bring Meredith to the campus; I suggested a roundabout way and sent our Chief to guide them.

The Department of Justice officials requested a direct telephone line to the White House. I offered one line. It was not long until my entire suite of offices was taken over. This greatly hampered University operations, as that suite is the nerve center for communication on the campus, especially in a time of crisis. We opened the Dean of Women's suite, and it was not long until that was also taken over. These areas were not evacuated for more than 40 hours. The difficulties faced by our personnel were almost insurmountable. Early in the evening I managed to make a telephone call which brought five men from the Division of Student Personnel into the Lyceum. They were of great assistance, but terribly handicapped in their efforts by difficulties of communication. The frustrations of that night and day of horrors for persons trying to do a vital job are forever etched on their memories.

In the meantime, students were gathering across the streets from the marshals. In the early stages their yelling was of the "pep rally" variety, but it gradually became more menacing. I made several trips into the front lines, as did others on my staff, trying to persuade members of the crowd to leave, but with little success. Student leaders were circulating, attempting to do the same thing; so were other students who were not thought of particularly as leaders. Some faculty members, including the Chancellor, and three local ministers were working in the rear. Justice Department officials offered to provide me with a loud speaker, but never did, though I requested it repeatedly. We tried to get one of our own into the Lyceum but were unable to do so. As a consequence, a general appeal was impossible. The number of students involved actively or present merely as spectators is difficult to estimate. Numerous discussions lead me to believe that the highest possible number was 1500, though it was probably less. That means that 3000 of the students enrolled had no part in the affair. These points are clear: (1) many were spectators who wanted to "watch history made"; (2) an undetermined number of students were hard-core demonstrators; (3) many who were not students were involved in the demonstration from the beginning.

At about 8 p.m. the first tear gas was fired without warning. One member of my staff who was attempting to talk the crowd back was injured in the first barrage to the extent that he had to report to a hospital; others luckily escaped. Later that night the Chief of Police and I were attempting to get a group to move back. We were close to the marshals and in plain sight. Yet several tear gas canisters were fired at our feet. The Chief was burned.

At 8:30 p.m. the President of the Associated Student Body held a Cabinet meeting to which he invited me and to which I managed to get through heavy tear gas. Many of the students had been out doing what they could. They were constantly using their loud speaker at the Student Union Building, about two blocks away, to plead with students

not to become involved, though the speaker was located in a place where it could not be heard by the violent group.

During the night and the following day prisoners were brought to the Lyceum. It is enough to say at this point that of the approximately 160 persons who were apprehended, only about 25 were University of Mississippi students.

### The Outsiders

As mentioned previously, outsiders were participating actively in the early stages of the riot. At dark there was a sudden influx of a very large number, some of it later developed from as far away as Georgia and Texas. The campus was flooded with armed undesirables. The perimeters of the campus are long and heavily wooded. A novice would know that it would take at least 1500 troops to insure that no mob invasion would occur. Adequate notice was given, for the papers were full of stories for days about the large number of persons who were going to converge on the campus from everywhere.

This is very important: students began dispersing fairly early, so that by midnight few were left among the demonstrators. It was after midnight that the really vicious part of the riot occurred. This point has been documented by numerous witnesses.

One illustration is significant for several reasons. A student managed to work his way into the Lyceum to tell me that General Walker was present and was a very active agitator. I reported this information immediately to every Justice Department official in the Lyceum and heard the information telephoned to the White House. I repeatedly urged the officials to take General Walker into custody--that by so doing they might break the back of the riot. I could get no response until I finally forced one. It was that they "did not have force enough." Before Deputy United State Attorney General Nicholas DeB. Katzenbach left for Washington some days later, I discussed the Walker situation with him. At that time he said they had no basis for preferring charges at the time I reported Walker's presence. Yet they did have the basis for picking up 160 "nameless" men.

### University Disciplinary Measures

September 30-October 1

The foregoing material is a lengthy introduction to disciplinary action by the University, yet brief, if one takes into account all that could have been said. For a basic understanding of our philosophy and procedures in disciplinary matters, the attached document should be read. It consists of excerpts from a speech I made a few years ago

at a National Student Body Presidents' Conference. The philosophy set forth and the procedures recommended are followed exactly at the University of Mississippi today.

There has been widespread criticism of the University administration--and I am the officer responsible for discipline--from without and within in connection with the disciplinary measures taken. This is the first time all of the facts have been presented. Many of them could not be presented until now.

On October 1, Mr. Katzenbach asked Doctor Haywood and me if the University would handle the discipline of the students apprehended. We agreed and we agreed to do it promptly. Although Mr. Katzenbach was asked several times for names, not until in a letter dated October 10 did he submit seven names, one of which was not that of a student, with allegations. The six students were referred to the Student Judicial Council in the usual manner on the day the letter was received. On October 11 Mr. Katzenbach submitted three more names; the two who were students were referred on October 12. On October 15, Mr. Norbert Schlei, Assistant Attorney General, submitted two more names. One was later withdrawn because the Justice Department had made an incorrect identification. I personally verbally placed each of these students on temporary disciplinary probation with the warning that any further misbehavior would result in immediate dismissal. All of these cases were heard as rapidly as possible by the Student Judicial Council. Its recommendations were studied by the University administrative officials and the results announced to the press on October 27.

Two very important points need to be made. The first is the fact that the Justice Department withdrew its allegations against five of the eight students with the admission that it did not have sufficient evidence to convict. Even so, these five were referred to the Student Judicial Council for violation of University regulations. The Justice Department produced witnesses against the other three. One was proved completely innocent of all allegations made by the Justice Department but was found guilty of violating a University regulation. The other two were found guilty of various offenses, none of which involved firearms or other dangerous weapons. All eight received sentences varying from disciplinary probation for the remainder of the current semester to dismissal from the University with the sentence suspended. The latter has the effect of disciplinary probation for as long as one is a student in the University. The action taken was fair and just, in my opinion.

It is interesting to note that none of the eight has been involved in any objectionable act since he was apprehended. Two are working actively to assist University officials.

The second point is probably the most important in this report from the standpoint of accreditation. As soon as Governor Ross Barnett learned that a number of students had been referred to the Student Judicial Council, he appointed nine prominent lawyers to represent them. The lawyers met in Oxford and at one time were ready to seek an injunction--it would have been

easy enough to get--to prevent the University from following its normal disciplinary procedures. At the same time, heavy pressures from other sources to do nothing were being exerted. This was the hardest fight in which I have ever been engaged, and at one time it seemed that it was lost. The University administrative officials gave me wholehearted support all of the way. Suffice it to say, the fight was won and normal disciplinary procedures were followed to the letter.

October 2 - October 28

This was a period of high tension, marked by steady improvement of conditions, but marred by a number of harassing incidents. Meredith was booed and hissed, but that gradually dropped to almost nothing, even though the marshals and soldiers reduced their surveillance. Students resented the marshals especially and the soldiers to some extent, though many students and soldiers became friends. The Homecoming football game was moved to Jackson, and many other activities were curtailed. Students who made overtures to Meredith early in the period were threatened.

At the request of the Army, all guns were ordered removed from the campus, though many students are avid hunters. On October 12, a "get tough" statement was issued, warning that further disorders would result in serious consequences; the first emotional crisis was over and it was time for the University to proceed with its normal functions.

In this move toward normality, a pep rally and street dance were scheduled for 6:30 p.m. on October 18. It was surrounded by many precautions to avoid a possible incident. The Justice Department had been notified. Yet, knowing that, the Department representative chose that evening to have a young secretary eat with Meredith in the Cafeteria. This was foreign to every custom these students had ever known; yet, to their eternal credit, nothing happened.

A small jeering crowd collected near the Cafeteria one evening. If it had not taken at least half an hour to change a tire on a marshal's car, there would have been no crowd. Yet this incident received a tremendous play in the national press.

Thoughtful members of the faculty and staff at every opportunity tried to promote a mature and thoughtful attitude among students toward continuing with the University's real business. The vast majority of students agreed and conducted themselves accordingly.

It seemed to everyone that steady progress was being made. But the efforts and resourcefulness of dissident outsiders had been underestimated. October 29 came.

October 29 et Sequitur

Just prior to October 29 I had approached the Justice Department with the suggestion that the rigid controls on Baxter Hall (where Meredith was quartered) and on neighboring Gerard Hall be relaxed--that the students had earned it. The Justice Department was receptive, and I had every reason to believe that desirable changes would be made quickly. I had arranged to talk to the men in Baxter at 10 p.m. October 29.

But that evening fireworks, shipped to the campus in large quantities by an outside source, were set off in the entire dormitory area. I made my talks during the very worst part of the demonstration. The number of students actually participating was small, but very active. Perhaps 300 of those who were outside of their dormitories at any one time were spectators only. I found it easy to talk the spectators into returning to their dormitories, though fireworks continued to explode for most of the night. Many of the fireworks were aimed at the soldiers. There was considerable jeering.

Vigorous action took place immediately. Seven students were apprehended, and four were quickly expelled through regular disciplinary channels. One, held on a minor charge, was not disciplined because of inconclusive evidence. Two freshmen, who had inadvertently found themselves in a compromising situation, were cleared. Students alone apprehended and testified against one of the ringleaders, who was a contact man with outside groups.

A Faculty Advisory Committee of nine was formed to advise me on discipline. The Committee has worked assiduously and has been of great assistance. An intangible value has been to give the faculty a feeling of involvement. Many faculty members patrolled on the next two critical nights.

The men in the Division of Student Personnel are organized in such a way that all of them can be "mobilized" within a few minutes, should the occasion arise. One is on duty each night.

Students have formed themselves into what could almost be called a vigilance committee to inform University officials of anything of a suspicious nature about which they heard. Graduate students signed a petition pledging complete support to the University in its efforts to function as an educational institution.

On October 31, Army officials heard a rumor that 17 sticks of dynamite had been taken into Baxter Hall (where Meredith resides). At about the same time a soldier was slightly injured by fireworks thrown from Lester Hall. The Army asked that a thorough search of both dormitories be made. This was done immediately under the supervision of campus police. No dynamite was found. However, enough evidence was found on one man, already under suspicion, to result in his expulsion. The rest of the rooms yielded so very little that there was no basis for taking disciplinary action against any other student, press reports very much to the contrary.

On November 1, Chancellor Williams spoke to all male students in two groups. He used a constructive approach, but made it perfectly clear that the University was ready to part company with students who violate University regulations.

Throughout this period, as in the preceding ones, the Chief of Police and I have cooperated closely with the Federal Bureau of Investigation and with Army Intelligence. We have been particularly interested in furnishing leads which may lead to court action against groups and individuals from the outside who have been fomenting difficulties on the campus.

The week of October 29 included more than the tensions surrounding the Meredith situation. Halloween was one. More important, it was the week of the Louisiana State University-Ole Miss football game--one of the most intense rivalries in the nation. "Problems" always arise that week, even under normal circumstances. It was reported that three demonstrations occurred on the Louisiana State University campus that week. Yet on Thursday of that week, the best pep rally in the history of the University was held without a trace of an incident that anyone could criticize.

This in November 13. Since October 30 not one incident of any significance whatever has occurred. Students have attended to their business in a responsible, mature manner.

In retrospect, it appears that the fireworks of October 29 may have been a good thing, bad as the situation was at the time. For the first time, the University's efforts to control students have received widespread support throughout the State--a support that was desperately needed. The students, the faculty, and the staff appear to be in complete agreement that nothing henceforth can be permitted to interfere with the University as an educational institution. I have received but one letter protesting the expulsions resulting from the October 29 incidents, though I received stacks of them protesting the disciplinary probations resulting from the September 30 riot.

### Conclusions

1. I believe deeply that discipline of lasting value is an educational process. Every important step taken during the troubled five weeks was directed toward this end, though these efforts were met with misunderstanding both from within and without. If I interpret correctly the way students, faculty, and staff presently feel--as well as how many parents, alumni, and responsible citizens feel--this approach has been amply justified.

2. Discipline as an educational process does not mean elimination of punishment. Punishment becomes part of the educational process, not an end in itself. Students were punished and punished

severely as quickly as possible after allegations against them were made and proved. It is worth repeating that the Justice Department delayed in providing information which could furnish a basis for action.

3. The University successfully resisted pressures exerted by persons in high places to prevent punishment of students guilty of misconduct. The University also resisted pressure from persons in high places to deal summarily with students where adequate evidence was lacking.

4. The University followed its normal disciplinary procedures in every respect, regardless of political and other pressures.

5. The University was prevented from continuing its educational program with students because of the surprise arrival of Meredith on September 30.

6. Outsiders from Georgia to Texas, rather than students, were a major factor in the worst violence.

7. There is a good reason to believe that students at the University are taking their education more seriously than ever before, in part at least because they have been forced to consider the consequences of having it taken away from them.

November 13, 1962

EXCERPTS FROM A SPEECH, "STUDENT JUDICIARIES AND THE PROBLEMS  
OF COLLEGE DISCIPLINE," BY DEAN L. L. LOVE, AUGUST, 1956

On the basis of my own educational philosophy, of my own experience with the development and functioning of a student judiciary, and of what I have been able to learn about the student judiciaries of other institutions, I believe that student government must have an effective student judicial system if it is to reach optimum effectiveness. The question is, then, not whether to have a student judiciary, but rather how to organize and develop a good one.

A student judiciary can probably develop best if student government is organized in three coordinate branches somewhat like the Federal government--an executive branch, an elective and widely representative legislative branch, and a judicial branch, all with proper checks and balances.

One major problem has to do with jurisdiction of the student judiciary, that is, what cases it shall consider and whether its decisions shall be final or recommending only. I believe its power should be those of recommending only on the cases referred to it. The Board of Trustees holds the president of the institution responsible for all that happens, and he, in turn, holds various officials responsible for the affairs assigned to them. Discipline, for example, is usually a responsibility of the Dean of Students. Because of this chain of command, it is neither right nor intelligent to abdicate final authority to students. However, if mutual respect and confidence exist, this problem is more imagined than real, a sort of tilting at windmills.

If the Dean of Students is the person charged with responsibility for discipline, the Constitution might well provide that the student judiciary consider such discipline problems as the Dean wishes to refer to it. This might appear to be a weak constitutional provision and it can be a source of real difficulty if the Dean lacks confidence in the ability of students to handle serious problems, and thus refers only minor ones. There will be no problem at all if he believes in a student judiciary and works with the members toward its effective development.

The success or failure of a student judiciary depends almost directly on the caliber of its members. Proper constitutional safeguards should be set up to insure, insofar as possible, high caliber personnel. The chairman might be elected at an all-campus election. I prefer that the other members be appointed by the student body president, campus elections being what they sometimes are. It is easy enough for the president to see that these are the most important appointments he will make during his tenure in office. He can and should choose a broadly representative group of mature,

respected students. Qualifications might include at least senior standing, campus residence for at least four semesters, and the holding of no other major office. If the college has a Law School, some representation from that area is a real asset.

It is of the utmost importance that there be some carry-over of members from one year to the next. In effect this means that, once appointed or elected, a member retains his status on the judiciary until he leaves school. The appointing officer needs to take this continuity factor into account in making his selections. It is easy to see that an entirely new group each year will result in lost motion, and that it will be next to impossible for a completely new group to profit fully from the past experiences of the judiciary. Let me say again that carry-over is vitally important. Perhaps it is personal bias on my part, but I believe it is better to have a small body, perhaps of five members, than to have a large group. It is reasonable to believe that a competent group of five can render at least as intelligent and unbiased opinions as can a larger group, and a small group simplifies proceedings in many ways.

The complexity of the student judiciary system is an important consideration. It varies among institutions from one small body to a whole series of courts. In my opinion, the student judiciary should be as simple as possible in organization, yet still retain efficiency and not unduly burden one group of students. Of the reasons for a simple system two stand out: (1) it is easier to maintain proper liaison between the judiciary and the administrative officer who works directly with it; (2) discipline cases need to be handled with dispatch. I would propose that one group on medium-sized and small campuses can handle all disciplinary cases, including flagrant traffic violations and academic dishonesty, as well as the other types of discipline.

Now it is time to turn to more specific consideration of the actual functioning of a student judiciary body. One point on which there is real disagreement is whether or not an adviser should sit with the group during its deliberations. I believe very strongly that he should not. If he does, it is almost inevitable that he will exercise more influence than he should. Moreover, students as a whole, rightly or wrongly, would accuse the judiciary of being administration-dominated. To me, sufficient proof is the fine work done by our own group for the last five years with never once a faculty or staff member in attendance at a hearing except as a witness.

Referrals to the judiciary should be made in writing, with a statement of the charge, of any factual information which may have been gathered, and of any leads for further investigation. It is the responsibility of college officials to furnish as much information as possible. In a high percentage of cases the judiciary does not have to determine guilt or innocence; guilt will be admitted. The task becomes one of getting all of the details necessary for full understanding as a basis for reaching a decision.

A judiciary must set up rules of procedure for itself in order to handle its business efficiently and expeditiously. These should be as simple as is consistent with sound procedure. It is impossible to over-emphasize the importance of one point. A judiciary must operate on the basis of searching for truth and arriving at decisions which take into account the good of the institution and of the individual involved in misconduct. Nothing should ever be permitted to interfere with this approach. The judiciary must avoid the very real pitfalls of a certain type of debate, of spectacular courtroom performance, and of legalisms--if there is such a word. A judiciary must have prestige with students and administration. Prestige is not something that can be bestowed. It must be earned by solid performance.

Hearings on disciplinary cases should be private. After the evidence is in, the members should deliberate and write their decision which should be transmitted promptly to the reviewing authority, usually the Dean. If he agrees with the decision, he should notify the accused in writing, being careful to emphasize the student judiciary has recommended certain action and he is simply approving it. It is important that he de-emphasize himself and emphasize the judiciary, thus adding that much more to its prestige.

Once in a while the reviewer may question a decision. This will not happen often if the development has been sound. In case it does, he should meet with the judicial group for discussion of the case. Nearly always there will be a meeting of the minds in short order.

*An interesting sidelight from our experience is the way in which our judiciary has attained prestige among students and has gained their confidence. In the earlier days, students would often request that their cases be handled through the usual channels rather than by students. Such requests never occur now. This means that students feel that they will get full and fair consideration by a group of respected peers.*

Only one more point--but an extremely important one--will be discussed. It was mentioned earlier that rehabilitation or re-education should be a major concern in handling discipline cases. It is on exactly this point that many forward-looking student personnel officers question the handling of discipline by students. They feel that specialized training is necessary for the sort of counseling which is often needed, and they are right. But it is possible to provide the counseling and at the same time to retain the advantages of the student judiciary.

In almost every instance the Dean will have discussed the situation with the offending student before he refers him to the student judiciary. At that time the groundwork may be laid for counseling, for, as previously mentioned, the student probably wants to get his underlying difficulties straightened out. The counseling

can often get under way before the disciplinary decisions are reached. If the judiciary body has been educated to the rehabilitation point of view, its recommendations are almost sure to be of the sort that will make disciplinary counseling possible, especially if it has been informed that prospects for helping the accused student get straightened out appear to be good.

By now it should be abundantly clear that I whole-heartedly believe in the use of student judiciaries in handling discipline. Working with our students in the development of our Student Judicial Council has been one of the most interesting and most rewarding experiences I have ever had.

SUPPLEMENTAL STATEMENT

ON THE

ACADEMIC PROGRAM

Charles F. Haywood  
Provost

Classes in the 1962 fall term of the University of Mississippi began on September 21 and continued in a normal and routine fashion throughout the week of September 24-28. A sampling of instructors indicated that attendance in classes was exceptionally good and that instructional activities were not in any way interrupted by events related to the impending admission of James Meredith.

After coming to my office in the Lyceum Building shortly before 7 a.m. on Monday, October 1, the morning after the riot, I made a quick tour of the principal classroom buildings to determine if it would be physically possible to hold classes that day. The central part of the campus was literally saturated with tear gas. I found that the persistence of the tear gas made it inadvisable, if not impossible, to hold classes in the Chemistry Building, just south of the Lyceum, and the Peabody Building, just north of the Lyceum. Classes in these buildings were therefore cancelled for the day. After classes began at 8 a.m., I made another tour of the other principal classroom buildings and found that instructors were meeting their classes as scheduled. Attendance early in the day, however, was in the range of 10 to 15 per cent of enrollment.

Many students left the campus on the night of September 30-October 1, 1962. Some went home; others went to nearby communities to stay with friends. Many students contacted various University officials during the night of September 30-October 1 seeking permission to leave the campus. The exigencies of the moment prevented the establishment of any systematic procedure for dealing with such requests, but it became generally known that students had permission to leave the campus in the interests of their own safety.

On Monday, October 1, 1962, all deans and department chairmen were requested to submit to my office by 4:30 p.m. each day a report on attendance in classes. The first reports, for Tuesday, October 2, 1962, showed that attendance was running about one-fourth to one-third of enrollment. On Wednesday, attendance was up to about one-half, and on Thursday, it ranged from two-thirds to three-fourths, with a few classes above 80 per cent. By Friday, attendance was in the range of 75-90 per cent. On Monday, October 8, attendance was back to normal or even better than normal. This was confirmed by reports on Tuesday, October 9, and deans and department chairmen were notified that daily reports would no longer be required.

A meeting of deans and department chairmen was held on Thursday, October 11, 1962, to assess the situation at that time. Although instructional activities seemed to have returned to normal, the need for further action to discourage misconduct outside the classroom was noted. This notice was conveyed to the proper University officials, and additional measures which had a salutary effect were undertaken.

Sometime during the week of October 8 several instructors made statements to their classes that they would use reduction of grades or failure in the course as a means of disciplining students for misconduct outside the classroom. At its meeting on October 16, 1962, the Academic Council, made up of the Provost and the academic deans, issued a statement to the effect that such measures are not a proper means of disciplining students for misconduct outside the classroom and called upon all members of the faculty to support and assist University officials in administering student discipline through established procedures. The several instructors involved indicated their willingness to observe the Council's wishes in this matter.

During the weeks of October 8-12, October 15-19, and October 22-26, there was a steady improvement in conditions on the campus. Tensions eased appreciably, social and cultural activities were resumed, and instructional activities struck a fast pace to make up for lost time.

All deans and department chairmen were queried about the desirability of extending the semester's calendar to make up for lost time. Almost all respondents indicated that class assignments could be finished as originally scheduled before the end of the semester. Some departments are presently holding study halls and make-up sections at night.

The night of October 29 brought what has been the last demonstration on the campus as of the present time. This disturbance was prompted by the shipment of a large quantity of fireworks to the campus by an outside source. The disturbance did not disrupt the academic routine of the University, except to the extent that it made study impossible in several of the men's residence halls. However, the situation was brought quickly under control, and drastic action taken by University officials as a result of this disturbance brought what appears to be a complete return to normal activity.

Faculty reaction to recent events has taken various forms. No member of the faculty or group of faculty members has been restrained in any way by University officials or outside agencies with respect to expressions of views and opinions. While members of the faculty have been urged from the beginning of these difficulties to use their influence to promote good conduct among the students, they have also been urged not to sacrifice classroom time in discussions of controversial points not related to their subject matter. In brief, faculty members have been urged to conduct themselves according to

the standards of their profession, and their response and support have been gratifying.

While it has been greatly exaggerated in press accounts, there has admittedly been faculty discontent over events on the campus since Meredith's admission to the University. This discontent--as evidenced both in resolutions adopted and others proposed but failing of adoption in such faculty organizations as the local chapter of the A.A.U.P., the Faculty Senate, and the Phi Beta Kappa Associates--has centered almost entirely on the action taken to enforce student discipline.

The steps taken to maintain discipline have been described in the report prepared by the Dean of the Division of Student Personnel. Whether a more rigorous course of action was advisable or even practicable under the circumstances may be debated, but the point should be clear that such difference of opinion as existed concerned means and not ends. Administration, faculty, and responsible students were united in their desire to put an end to demonstrations and disorders of every kind. Since the first week after the riot, and especially since the week of October 29, 1962, there has been a steady improvement in morale.

Still further improvement in faculty morale will result from the publication of a revised and improved policy regarding faculty tenure which has been adopted this date by the Board of Trustees of State Institutions of Higher Learning. A copy of the part of the Minutes of the Board of Trustees meeting for November 15, 1962, dealing with faculty tenure follows as Attachment #1 to this statement.

There is good reason to believe that improvement in communication and understanding between the faculty and the administration will be a significant result of the recent difficulties. Moreover, attention has been directed to certain needs for improvement of the academic program of the University, and action has been initiated to effect such improvement. It is a frequently observed phenomenon that crisis stimulates reform. The faculty and administrative officers of the University have noted this phenomenon and are seeking to make the most of what appears to be an excellent opportunity for taking some bold steps forward.

Maximum realization of these efforts requires, of course, that the accreditation of the University be maintained. The faculty of the University of Mississippi looks, therefore, to the faculties of sister institutions in the Southern Association of Colleges and Schools for understanding and support.

Addendum

The following statement was adopted unanimously by the Academic Council on October 16, 1962:

The Academic Council expresses its deep regret and grave concern about the recent disorder on the campus. The Academic Council commends to the faculty, staff, and students the rapid restoration of normal academic routine. The Academic Council calls upon every member of the faculty, staff, and student body, to direct his best efforts to the advancement of the University's academic program.

The Academic Council extends to the Chancellor its good wishes and compliments for his more than 16 years of leadership in higher education in Mississippi and the nation. The Academic Council reaffirms its support of the Chancellor in his direction of the University's affairs and expresses its readiness to assist in any way in dealing with present and future difficulties.

November 15, 1962

## ATTACHMENT #1

### EMPLOYMENT AND TENURE OF FACULTIES OF INSTITUTIONS OF HIGHER LEARNING IN MISSISSIPPI

#### Authorization for employment:

1. The statute applicable is as follows:

The Board shall have the power and authority to elect heads of the various institutions of higher learning and to contract with all deans, professors, and other members of the teaching staff and all administrative employees of said institutions for a term of not exceeding four years; but said board shall have the power and authority to terminate any such contract at any time for malfeasance, inefficiency, or contumacious conduct, but never for political reasons. It shall be the policy of the Board to permit the executive heads of each institution to nominate for election by the board all subordinate employees of the institution over which he presides. It shall be the policy of the board to elect all officials for a definite tenure of service and to re-elect during the period of satisfactory service.

2. Delegation of authority:

Acting under appropriate statutory authority, the Board of Trustees hereby empowers the executive heads of the several institutions to nominate individuals for the positions in the teaching staffs of the respective institutions, and to adopt policies of continuing employment for the purpose of making nominations for the teaching positions.

3. Retention of authority:

The Board of Trustees reserves the right to examine all nominations for teaching positions in the several institutions and to accept or reject any such nomination.

In the event of the rejection of the nomination, the Board of Trustees will inform the executive head of the institution as to its reasons and the executive head of the institution may resubmit the nomination with clarifying explanations or submit a substitute nomination.

In the event the rejection of a nomination constitutes a termination or employment, a full and appropriate hearing will be held, if requested by the faculty member terminated.

Minimum standards for continuing employment for use of executives in making nominations:

1. There shall be appropriate tenure committees in each institution.
2. The precise terms and conditions of every appointment shall be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
3. Instructors shall be employed on one-year contracts renewable at the discretion of the institution.
4. Beginning with appointment at the institution to any professorial rank, the probationary period shall be three to five academic years, three years of which may have been met in the rank of instructor. Upon reappointment after the conclusion of the approved period, and upon written notification from the head of the institution, a professor of any rank shall have continuing employment. If the teacher is not to be continued in service, notice in writing shall be given at least one semester of the regular academic year prior to the termination of service.
5. Termination of service of a person with continuing employment is made only under extraordinary circumstances because of (1) financial exigencies or (2) for cause.
6. Termination for cause of a continuous appointment or the dismissal for cause of a teacher previous to the expiration of a term appointment shall not be recommended by the executive head of the institution without submitting the recommendation of the tenure committee. If requested, the administration of the institution shall arrange for a hearing. In all cases the accused teacher, at least one month before the hearing, shall be informed in writing of the charges against him and shall have the opportunity to be heard in his own defense. He shall be permitted to have with him an adviser of his own choosing who may act as counsel. If the teacher so desires, there shall be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence, the testimony shall include that of teachers and other scholars. Teachers on continuous appointment, who are dismissed for reasons not involving moral turpitude, shall be employed for at least a year from the date of notification of dismissal; however, at the discretion of the institution and the Board of Trustees the teacher's salary may be paid, and he may be relieved of teaching duties.

7. Notice of termination to a person without continuing employment is given at least three months prior to the expiration date of the then current contract.
8. Resignation should be tendered at least three months prior to the expiration date of the then current contract.
9. Adoption of the above regulations shall not affect the status of any faculty member now on continuous employment.

(This policy on tenure was passed by the Board of Trustees, Institutions of Higher Learning, State of Mississippi, at its meeting on Thursday, November 15, 1962.)

ED 028233

## "Another Mississippi Story"

by

J. D. Williams, Chancellor  
The University of Mississippi

All of you will remember the first sentence of Thomas Paine's famous essay: "These are the times that try men's souls."

We at the University of Mississippi have had our souls tried of late.

When we come to hours of such dark trial, the temptation to give over to despair is almost irresistible. Then it is that we turn to the past to see how men of great soul have met trials like our own.

I find solace and inspiration and example in the career of a great Mississippian whose feet a century ago walked where mine daily walk: Lucius Quintus Cincinnatus Lamar. Professor Lamar--as his title was then--resigned from the University to help establish and then to serve the Confederacy.

Six years later he returned to Ole Miss. The South was defeated, his fortune was lost, his health was broken, the University was in desperate financial straits--but L. Q. C. Lamar looked only ahead. He became one of our greatest teachers and one of the most loved. He carried an almost incredible load of work. He revolutionized the teaching of law. He gave counsel and courage to his colleagues and his students. He put the past behind and built sturdily for the future.

Eight years later, when he had left his professorship for broader fields of action, L. Q. C. Lamar returned to the University to deliver the formal address upon the inauguration of Alexander P. Stewart as Chancellor. The Reconstruction Era was at its worst and mob violence was flaming across the State. Yet Lamar, undaunted, looked forward to the new day with words of encouragement and hope.

No man served the Confederacy more bravely or more loyally than L. Q. C. Lamar, both as soldier and as statesman. Yet, once the issue was decided, no man was more loyal to the re-united nation. As Professor, Congressman, Senator, and United States Supreme Court Justice, his charge to his fellow Mississippians never changed: First and foremost, they must be Americans. The future lay with the United States. We must build within that frame and put behind us bitterness and hatred.

I have needed such an example. Today is the last day in the month of October, 1962. I shall never, so long as I live, forget the first day of this month.

The first hours of October, 1962, found me in my home in the spot that I love more than any other place in the world, the Ole Miss campus. I have had the privilege and the honor to head the University of Mississippi longer than any other chancellor or president in her 114-year-old history. For 16 years the University has been my life, but in that night of horrors I wondered whether any other chancellor had ever had cause to feel such bitterness and anguish.

The University had become a pawn in a combat between powerful political forces. With little consultation with administrative officers, without giving adequate notice, the effective control of the University was taken out of our hands. The Lyceum--which even during the Civil War had been a hospital, a place of mercy--had become a battle-post. A yelling mob filled the center of the campus. Within a hundred yards of my front door a visitor to our country had been murdered, shot in the back by some faceless assassin. Nearby another corpse had lain. The toll of wounded was rising every

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minute. The air was filled with the sound of shots, the bursting of tear-gas shells, the explosions of gasoline bombs, and the cursing and howling of the mob. We could only hope that the troops rushing toward Oxford would arrive soon to end the destruction and the bloodshed.

Riot, lawlessness, destruction, murder--that is the image of the University and of Mississippi that has been given the whole world by television, by radio, by newspaper, by every media of communication that exists in this era of telestar and moonshots. I will not try to brighten that picture. But I will say to you here and now that this is not the whole picture. If it were the whole picture, I would not be speaking to you here today.

Yes, there is a sad and humiliating part of the Mississippi story. We cannot in honesty gloss over it. We must not forget it, lest it happen again. But neither let us forget that there are other parts to the story. There is indeed another Mississippi story. One in which Mississippians can take pride. One which will reassure our faith and nourish our spirit. One that you must help me to make known because unfortunately it is not the kind of story that makes headlines or television broadcasts.

I can suggest the nature of that story by repeating a bit of conversation between two professors passing my office door during an early, non-violent student demonstration. "There must be 300 students out there shouting!" said the one.

"Well," said the other, "That means there are 4500 students that aren't."

I think that the students, more than any other single factor, have given me the faith and the courage to go on. No one really questioned the fact, after Justice Black's decision, that the Federal government was determined to integrate the University; and yet our September registration was the largest in our history. The students came to us, and they have stayed with us.

I wish those for whom the image of an Ole Miss student is a cursing rioter with a brick in his hand could have been with our Provost and me when--at the students' own invitation--we attended a two-day student planning conference at Enid Shores early in September. I have never seen young men and women more serious, more determined, more dedicated. We came away with two resolves: to keep the University open, and to do everything possible to prevent violence.

The University is open.

There was violence, yes; but you will never know how hard our responsible students worked to prevent it, or how infinitely greater the participation in it by students--our students--might have been, without their work. How many were in the crowd that turned into a mob, no one can say; but I do know that, as the violence grew, the proportion of our students involved grew less and less. There were 4800 students in the University. Some 25 to 30, far less than one per cent, were taken in custody, and all but a handful of those were released for lack of evidence.

When I think of Ole Miss students, I think of the fraternity and sorority presidents and the heads of the residence halls who met with us to plan and carry out a campaign to maintain order. I think of student government leaders like Dick Wilson, Gray Jackson, Jack Lynch, and Emma Clark Hairston, who in student meetings and in radio broadcasts and through newspaper releases appealed tirelessly for order and decency.

I think of the students who went out into a crowd and prevented a foolish attempt to haul down and desecrate an American flag. I think of Sidna Brower, who--with a screaming crowd outside the building--put out the student newspaper with an editorial condemning the violence. I think of one student who, with absolute fearlessness, went out into the mob and took guns away from rioters--and then later, because he was skilled in first aid, came into the Lyceum and tended the wounded.

That night one might well wonder when if ever the University could return to its role as an educational institution. But when the time came for eight o'clock classes, every professor was at his post. Don't be misled by the inevitable rumors. Some faculty members were heartsick, some were angry, some were frightened; but not one shirked his duty. They met their classes and they taught their classes, that first day and every day since.

There were classes to teach, too. At least a quarter of the students came to class that first day--circling around the still-burning cars, picking their way among the gas canisters, half-blinded by the tear gas that lingered over the central part of the campus. By the end of the week 80 per cent of the students were back in their classes, and by the following Monday attendance was back to normal.

As of last week, we had 144 withdrawals from the University, about 100 more than the normal drop-out figure for that date. It strikes me as a wonderful demonstration of the loyalty of our students--and, I might add, of the faith their parents had in the University--that approximately 98 of every 100 students who came to us have stuck with us.

When I praise the students and the faculty, I must not overlook the staff. All of them--the secretaries and clerks, the physical plant workers, the library employees--have been just as faithful.

I have been especially moved by the loyalty of our colored workers. We have always had particularly fine relations with our Negro staff members. They have been friends as well as workers. Students have come back to the campus in later years no more interested in revisiting their professors than seeing Bondy Webb again at the cafeteria, or Calvin Lott, or Dean Hefley's right-hand man, Bishop Harvey, or some other colored friend.

The riot was particularly terrifying for those people. Those living just off the campus had seen the mob come sweeping around their houses. When they tried to come to work, they were cursed and abused by strangers. The campus was filled with armed soldiers, and most of the Negroes were turned away. Some few did get in, though; and by the time the last of the rioters were being cleared off the eastern end of the campus, colored workers were in the cafeteria preparing breakfast for the students. By the end of the week 95 per cent of our colored help was back at work, their faith and their confidence renewed.

Just as heartening as the support on the campus has been the support from off the campus. First let me mention the Board of Trustees. It is only too easy to misinterpret the Board's actions. Believe me when I say the Board is entitled to the admiration and support of everyone who loves the University.

The Board members were caught, just as the University was, in the conflict between two powerful political forces. Nothing would have been easier than for them to save themselves from trouble by leaving the University a victim of these powerful forces, but they did just the opposite. To prevent such treatment of the University, they took upon themselves the full responsibility for the Meredith case, putting themselves in jeopardy to secure the safety of the University administration. You will note that because of their action, the University officials were found not guilty of contempt in a Federal court hearing and were able to resume their campus duties with hardly a break.

The Board's later naming the Governor to act for it was not a pusillanimous gesture. The Board is a State body, set up by the State constitution. The Governor has issued a proclamation stating that in this area of education the State was supreme. It was not for the Board to determine the legality of this move. The Board could and did take the position that, if this doctrine of interposition were to be acted upon, then the proper person to act under it was the executive head of the State.

When the Fifth Circuit Court of Appeals stated that the Board's action was not consonant with Federal law, the Board promptly rescinded its actions and--again taking responsibility upon itself--directed me to admit James Meredith.

The Board has protected the University, and it is still protecting it. I don't want to enter now into the complex matter of accreditation, but I will say that the Board has assured our regional accrediting agency of its present and future compliance with that agency's requirements.

The alumni have stood by us with the same loyalty. From the time that trouble first began to brew, the leaders of our alumni have had in essence but one question: "How can we help?"

At every stage of our crisis, the alumni have been at our shoulder, meeting with us, counseling us, quietly exerting their influence for us across the State at every economic and political level. When Dean Lewis and Mr. Robert Ellis and I were summoned to appear before the Federal District Court at Meridian, and again before the Fifth Circuit Court at New Orleans, some of the most brilliant lawyers in the State put aside their own affairs for days on end to give us their services, even before we could ask it. You don't easily forget that kind of help.

Nor has our support been limited to what might be called our own "family." We were tremendously heartened when, a few days after the riot, a large group of prominent Mississippians met in Jackson to pledge us their aid. Some were alumni, many were not; that aspect was almost irrelevant. They came together because, as Mississippi's leaders in private business and public life, they knew the indispensable part a great University must play in the development of a great State.

There is more that could be said about "Mississippi's other story," but I don't think it is needful to say more. To our sorrow, there was a bloody riot; to our shame, in that mob were some of our own students. But against the scores who were lawless and irresponsible, let us weigh the thousands upon thousands who by deed and word have stood up for law and order, for human dignity, and for the high principles of education.

There is one last point I must make before I go. That loyalty and support that I have described make us who must guide the University of Mississippi more deeply aware than ever before of a responsibility that it is not too much to call sacred.

The University-- as an institution that conducts courses, carries on research, and grants degrees--has been preserved, and I do not for a moment doubt that it will continue to be so preserved. It is not enough, however, simply to keep our doors open. A deeper question presses upon us: Shall we continue to have a real university, or only the outward husk and mere appearance of a university?

We have taken as our watch words Quality, Integrity, and Progress. Quality will disappear without integrity. Lacking quality and integrity, we cannot hope for progress.

We have been through a frightening experience, but we must not let it make us timorous and afraid to live up to the ideals of a university. A university is a place of ideas, an institution dedicated to the courageous pursuit of truth. We cannot be a university and deny our teachers and our students the freedom to teach and to learn.

Every new idea is in some degree dangerous, but none is so dangerous to a free society as mental stagnation and intellectual dry rot.

A university is and ought to be a place of intellectual ferment, a field for the examination and testing of ideas. As John Milton wrote in his greatest essay, "Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making."

From the same essay we have Milton's reassurance, "Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?"

Our students, the overwhelming majority of our students, have been loyal to the University. They have in a measure entrusted their future to our hands. We cannot short-change them, we cannot betray their faith, by giving them a third-rate education. Ole Miss graduates must have at least an equal chance at the starters' gate with those who graduate from our nation's best state universities. It will be a betrayal of the high calling of education if we drive away from our campus those men who will not submit to thought control, if we discourage those students who are eager to meet the challenge of new ideas, if we close off certain avenues to knowledge and make of them dead-end streets.

Let me quote a few words from a famous speech by that great Mississippian whom I have proposed as a model, L. Q. C. Lamar:

"In the political as well as the natural world, the agencies which are the most powerful are not the noisiest. Violence, passion, fanaticism and animosity can always find voice and rend the air with their factious clamors; while deep and earnest conviction lies unspoken in the heart of a people."

So far as it lies in my power, I shall uphold those ideals we have proclaimed: Quality, Integrity, Progress. In Martin Luther's quiet words, "Gott hilf mir, ich kann nicht anders"--"God help me, I can do no other."

(This address was delivered on October 31, 1962, at Greenville, Mississippi, to a combined meeting of the Lions and Kiwanis Clubs, the Ole Miss Alumni of Washington County, and guests.)